

Steven Rader

From: Steven Rader
Sent: Tuesday, April 5, 2022 9:51 AM
To: Steve Brauerman; Ronald Golden; Akiva M. Cohen ; Nicholas Talarowski; James H. S. Levine ; geoffrey.grivner@bipc.com; kody.sparks@bicp.com; Dylan M. Schmeyer
Cc: Jason Dilday; Simina Gentry; brian@trustwilliams.com; John L Williams; Thomas Stephens
Subject: RE: CBV, Inc. v. ChanBond, LLC - 21-cv-01456-MN
Attachments: [REDACTED]

Counsel,

Thank you for making yourselves available for the call which we requested for today. In preparation for the call, please be advised that we would like to discuss the following:

First, we noted that Chanbond's motion to file under seal, referenced in and attached to the March 31 email to all counsel below, did not include us in the Rule 7.1.1 Statement. As we have all agreed that the Rule applies to us, will Chanbond be withdrawing its motion for failure to comply with the Rules of Court?

Second, the Proposed Intervenor is contemplating a motion to "unseal" the filings in this case. The documents providing the basis for the initial motion to file under seal have already been disclosed publicly in proceedings before the District Court for the Northern District of Texas (*Leanne, et al. v. Unifiedonline, Inc., et al*, Civil Action No. 3:20-cv-03097-B) – see attached. So that we may comply with our Rule 7.1.1 obligation for such a motion please be prepared to provide a Rule 11 compliant justification for the motion(s) to file under seal. Such should include sufficiently compelling reasons that override the public policies favoring disclosure supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure, such as the public interest in understanding the judicial process, and must include the essential showing of specific harm. (See e.g., *Lipocine Inc. v. Clarus Therapeutics, Inc.*, 2020 U.S. Dist. LEXIS 141475, *3-9, 2020 WL 4569473)

Third, the arbitration award states: [REDACTED]

[REDACTED] " Therefore, we would like to discuss the following:

- Will Chanbond be interpleading the funds given the competing claims thereto?

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- [REDACTED]
- Will the parties voluntarily produce the settlement agreement(s)?

Thank you.

Very truly yours,

Steven L. Rader, Esq.
Attorney-at-Law
Director of Firm Operations

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From: Steve Brauerman <SBrauerman@bayardlaw.com>
Sent: Monday, April 4, 2022 6:59 PM
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Subject: RE: CBV, Inc. v. ChanBond, LLC - 21-cv-01456-MN

Mr. Crawford, Mr. Williams, Mr. Rader, and Mr. Dilday,

It came to our attention today, from counsel for Ms. Leane and IPNAV, LLC, that you were served with the confidential materials attached to the below e-mail. As should have been obvious from the e-mail below, and from our telephonic discussion on March 28, 2022, the materials attached to the below e-mail were filed under sealed and should not have been distributed to counsel for the proposed stockholder intervenors. As a consequence of this inadvertent disclosure and consistent with the Court's order permitting the filing under seal and District of Delaware Local Rule 26.2, we hereby request that you immediately return and/or delete any and all copies of the below confidential materials. Please also confirm your compliance with Local Rule 26.2 and confirm that you have not shared any of the

below confidential information with anyone other than counsel. Thank you in advance for your immediate attention to this time sensitive issue.

Thank you,

Steve

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From: Nicholas Talarowski <NTalarowski@bayardlaw.com>
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Cc: Steve Brauerman <sbrauerman@bayardlaw.com>; Ronald Golden <rgolden@bayardlaw.com>
Subject: CBV, Inc. v. ChanBond, LLC - 21-cv-01456-MN

Attached please find *service copies* of the following; which were filed today with the court.

- *Motion to File Under Seal; and*
- *[SEALED] Defendant Chanbond, LLC's Answering Brief in Opposition to Plaintiff's Motion for Temporary Restraining Order Preliminary Injunction, and Motion for Expedited Discovery.*

Thank you,

Nick Talarowski

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